

RECEIVED
CENTRAL FAX CENTER
AUG 01 2005

FAX TRANSMISSION

DATE: August 1, 2005

PTO IDENTIFIER: Application Number 09/889,085 - Confirmation #6842
Patent Number

Inventor: Patricia L. CONWAY et al.

MESSAGE TO: US Patent and Trademark Office **Attn:** Examiner Vera Afremova
FAX NUMBER: (571) 273-8300 **Group Art Unit 1651**

FROM: MARSHALL, GERSTEIN & BORUN LLP
Jeffrey S. Sharp

PHONE: (312) 474-6300

Attorney Dkt. #: 28053/38258

PAGES (Including Cover Sheet): 27

CONTENTS: **Response After Final Rejection** (37 C.F.R. Section 1.116) (24 pages)
Amendment Transmittal (1 page)
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (312) 474-6300 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300, Sears Tower, Chicago, Illinois 60606-6357
Telephone: (312) 474-6300 **Facsimile:** (312) 474-0448

PTO/SB/97 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

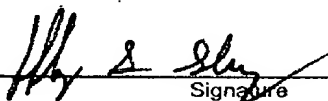
Application No. (if known): 09/889,085

Attorney Docket No.: 28053/38258

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on August 1, 2005
Date


Signature

Jeffrey S. Sharp

Typed or printed name of person signing Certificate

31,879

Registration Number, if applicable

(312) 474-9578

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Response After Final Rejection Under
37 C.F.R. § 1.116 (24 pages)
Amendment Transmittal (1 page)

RECEIVED
CENTRAL FAX CENTER

AUG 01 2005

PTO/SB/21 (09-04)

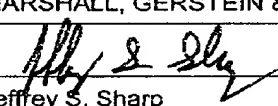
Approved for use through 07/31/2006. OMB 0651-0031

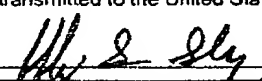
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/889,085-Conf. #6842
		Filing Date	January 9, 2002
		First Named Inventor	Patricia L. Conway
		Art Unit	1651
		Examiner Name	Vera Afremova
Total Number of Pages in This Submission		Attorney Docket Number	28053/38258

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MARSHALL, GERSTEIN & BORUN LLP		
Signature			
Printed name	Jeffrey S. Sharp		
Date	August 1, 2005	Reg. No.	31,879

The undersigned hereby certifies that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Centralized Facsimile No. (571) 273-8300 on this date:	
Dated: August 1, 2005	Signature:  (Jeffrey S. Sharp)

RECEIVED
CENTRAL FAX CENTER
AUG 01 2005

RESPONSE UNDER 37 C.F.R. 1.116

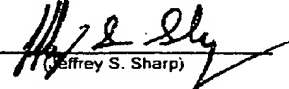
**Expedited Procedure
Examining Group 1651**

Docket No.: 28053/38258
(PATENT)

The undersigned hereby certifies that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Centralized Facsimile No. (571) 273-8300 on this date:

Dated: August 1, 2005

Signature:


(Jeffrey S. Sharp)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Patricia L. CONWAY et al.

Application No.: 09/889,085

Confirmation No.: 6842

Filed: January 9, 2002

Art Unit: 1651

For: IMPROVED MICROBIAL PREPARATIONS

Examiner: Vera Afremova

AMENDMENT AFTER FINAL REJECTION (37 C.F.R. SECTION 1.116)

MS AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This is in response to the Office Action of May 31, 2005 in which all elected claims (41 and 76-153) remain rejected under one or more of 35 U.S.C. §§ 102(b) and 103(a), and for obviousness-type double patenting.

A Listing of the Pending Claims begins on Page 2 of this paper.

Remarks/Arguments begin on Page 17 of this paper.